

Message Text

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EO 11652: NA
TAGS: AHUM, PA
SUBJECT: BOGADO GONDRA CASE

REF ASUNCION 1301

1. MRS. FRANCISCA CABALLERO DE CANESE AND MRS. MARIA CRISTINA TATTER DE BOGADO GONDRA TOLD THE EMBASSY APRIL 28 THAT THE HOPED-FOR RELEASE OF THEIR HUSBANDS BY BUYING TIME OFF THEIR SENTENCES IN EXCHANGE FOR PAYING A FINE HAD BEEN DENIED BY THE PROSECUTOR. DR. BOGADO GONDRA, WHO RECEIVED A TWO YEAR SENTENCE, AND ANTONIO VALENZUELA CANDIA HAVE INITIATED A LEGAL APPEAL OF THEIR CONVICTIONS.

2. THE QUESTION OF AN APPEAL WAS DISCUSSED BETWEEN THE PRISONERS AND THE INTER-FAITH CHURCH COMMITTEE TO AID POLITICAL PRISONERS AND THEIR FAMILIES. THE DECISION WAS MADE TO REQUEST A RELEASE WITH PAYMENT OF A FINE FOR ALL PRISONERS. A PUBLIC APPEAL BASED ON MORAL GROUNDS WOULD

THEN HAVE BEEN MADE IN THE PRESS AGAINST THE ARBITRARINESS OF THE WHOLE JUDICIAL PROCEEDING UNDER WHICH THEY HAD BEEN CONVICTED. THE APPARENT NEGATIVE DECISION BY THE PROSECUTOR TO THE RELEASE-WITH-FINE REQUEST COMMUNICATED TO DEFENSE ATTORNEY FERNAN DIAZ-PEREZ CAUSED DR. BOGADO GONDRA AND ANTONIO VALENZUELA CANDIA TO SEEK RECOURSE THROUGH LEGAL APPEAL EVEN THOUGH IT IS FROUGHT WITH POSSIBLE DANGERS, I. E., PROLONGED IMPRISONMENT PENDING THE APPEAL PROCESS AND THE POSSIBILITY THAT THE SENTENCE WOULD BE INCREASED. THE APPEAL
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PAGE 02 ASUNCI 01783 031553Z

HAS SMALL HOPE OF SUCCEEDING GIVEN THE LACK OF INDEPENDENCE OF THE JUDICIAL BRANCH. THE OTHER FOUR ACCUSED, EDUARDO ARCE SCHAEERER, JORGE HUMBERTO CANESE, JOSE NICOLAS MORINIGO ALCARAZ, AND FRANCISCO OSCAR RODRIGUEZ CAMPUZANO HAVE APPARANTLY DECIDED TO LIE LOW AND WAIT OUT THEIR ONE-YEAR SENTENCE WHICH WILL END IN JULY 1978.

3. COMMENT: THIS LATEST DEVELOPMENT IN THE BOGADO GONDRA CASE STRIKES A SOUR NOTE IN WHAT HAS BEEN PERCEIVED AS A LIBERALIZING TREND TOWARD THE RELEASE AND JUCICIAL PROCESSING OF POLITICAL PRISONERS. DEPARTMENT WILL RECALL THE FREEING OF 42 POLITICAL PRISONERS WITHIN THE LAST TWO WEEKS. IT ALSO POINTS OUT THE UNPREDICTABILITY OF GOP TREATMENT TOWARD PERSONS IT CONSIDERS POLITICALLY SUSPECT.

WHITE

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